



# NEWS

Judicial Council of California  
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## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JULY 14, 2003**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#03-92 Cronus Investments, Inc. v. Concierge Services, LLC, S116288.

(B159591; Los Angeles County Superior Court; 107 Cal.App.4th 1308; LC060095.)

Petition for review after the Court of Appeal affirmed an order denying a petition to compel arbitration. This case includes the following issue: Was the trial court authorized, pursuant to California Code of Civil Procedure section 1281.2, subdivision (c), to stay arbitration in this matter pending the outcome of related litigation, or does the Federal Arbitration Act (9 U.S.C. § 1 et seq.) preempt and preclude the application of this state statute?

#03-93 Lockheed Martin Corp. v. Superior Court, S116471. (E031381; 109 Cal.App.4th 24; San Bernardino County Superior Court; RCV31496.) Petition for review after the Court of Appeal granted in part and denied in part a petition for peremptory writ of mandate. This case presents the following issues: (1) Does the delayed discovery rule of the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. § 9601 et seq.), under which the statute of limitations in a personal injury action based upon exposure to any hazardous substance or pollutant commences when the plaintiff knows or reasonably should have known that the alleged personal injury was caused or contributed to by the hazardous substance or pollutant,

(over)

preempt the delayed discovery standard of California law, under which the statute of limitations commences when the plaintiff suspects or reasonably should have suspected that the alleged personal injury was attributable to wrongdoing, or are the two standards effectively identical? (2) In this case, did the widespread publicity about groundwater contamination trigger the statute of limitations for such a personal injury claim as a matter of law?

#03-94 In re J.H., S116644. (H025258; 108 Cal.App.4th 616; Santa Clara County Superior Court; JD10422, JD10423.) Petition for review after the Court of Appeal affirmed orders in dependency proceedings. The court ordered briefing deferred pending decision in In re S.B., S112260 (#03-14), which presents the following issues: (1) Must the juvenile court make a specific order regarding parental visitation after a legal guardian is appointed for a child under Welfare and Institutions Code section 366.26, subdivision (c)(4), or may the court delegate visitation decisions to the guardian? (2) May the validity of the trial court's visitation order be challenged on appeal in the absence of an objection to that order in the trial court?

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